

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDITION

WRIT PETITION NO.826 OF 2005

Shivajirao Mohanrao Khetre ..Petitioner

Vs.

Smt.Madhavi Sanjay Khetre ..Respondent

.....
Mr.G.S.Godbole for Petitioner
Mr.M.S.Lagu eith N.R.Bubna for Respondent
.....

CORAM : B.H.MARLAPALLE, J.
DATE : MARCH 11, 2005

P.C.:

1. Heard Mr.Godbole, the learned counsel for the petitioner who is the father-in-law of the respondent Smt.Madhavi. She was married to Sanjay the son of the petitioner and became the widow as Sanjay died of HIV infection. She filed an application for maintenance against the petitioner and the same has been allowed by the impugned order dated 2.12.2004 by the learned Civil Judge S.D. at Sangli. The trial Court has directed to pay the amount of Rs.4,000/- towards interim maintenance of the respondent daughter in law and her son till the decision of the pending proceedings and in addition, an amount of Rs.3000/- has been directed to be paid by way of costs.

2. Mr.Godbole submitted that the petitioner is a pensioner and his monthly pension is about Rs.3000/- and therefore the amount of Rs.4,000/- per month by way of interim maintenance is exorbitant and the trial Court failed to consider the earning of the petitioner-father-in-law.

3. The trial Court noted that the deceased Sanjay had a kerosene distribution licence and the same was transferred in the name of Sambhaji the other son of the petitioner and at the instant of the petitioner. This son Sambhaji is also a member of the joint family and therefore, the trial Court came to the conclusion that the monthly income of the petitioner was about Rs.10,000/-. The reasoning given by the trial Court for arriving at the figure of monthly income and also the outgoings required for the maintenance and medical care of the claimants daughter-in-law and son, does not call for any interference in this petition.

4. The petition is therefore, rejected summarily.

[B.H.MARLAPALLE, J.]